

Remarks

Claims 1-41 will be pending after entry of this Amendment. Applicants have amended claim 20, claim 41, and the specification for the reasons discussed below. Brackets were used to indicate deletions of chemical formulas because it was felt that a strikethrough would not be easily perceived. Otherwise, strikethroughs and underlines are used for amendments.

Amendments to the Claims

Claim 20 depends from claim 19, which recites a medical article comprising an implantable substrate having a coating, the coating including a copolymer having a general formula that is defined in claim 19. Claim 20 further limits the copolymers to a Markush group consisting of formulae (23)-(43), within which formulae (23)-(25), (32), and (38)-(43) were amended to correct clerical errors. Claim 41 depends from claim 40, which recites a method for fabricating a medical article, the method including synthesizing a copolymer and forming a coating based on the copolymer on at least a portion of an implantable substrate, wherein the copolymer has a general formula that is defined in claim 40. The general formula defined in claim 40 further limits the copolymers to a Markush group consisting of formulae (23)-(43), which are the same formulae (23)-(43) as recited in claim 20. Accordingly, the following description of the amendments to formulae (23)-(25), (32), and (38)-(43) applies to both claims 20 and 41, unless otherwise indicated.

Formulae (23), (24), and (40)-(43) were amended in claims 20 and 41 to recite a genus for each of the particular chemical species taught in the specification by replacing fixed ratios of subscripts m and n with the generic notation "m" and "n." The omission of the generic notation "m" and "n" was a clerical oversight. A general formula for each of formulae (23), (24), and (40)-(43) was taught, for example, at page 5, line 16, formula (10), and was further recited, for

example, in claims 19 and 40 of the specification; a species of amended formula (23) was taught at page 29, line 1 through page 30, line 6; a species of amended formula (24) was taught at page 30, line 8 through page 31, line 13; a species and a range of species of amended formula (40) were taught at page 43, line 9 through page 44, line 17; a species and a range of species of amended formula (41) were taught at page 44, line 19 through page 46, line 4; a species and a range of species of amended formula (42) were taught at page 46, line 6 through page 47, line 16; and, a species and a range of species of amended formula (43) were taught at page 47, line 18 through page 49, line 2.

Formula (25) was amended to replace the subscript "m" with the subscript "n", and to replace the subscript "n" with the subscript "m." Formulae (38) and (39) were amended to replace the subscript "n" with the subscript "p." The amendments to formulae (25), (38) and (39) were made to correct clerical oversights, which are identifiable by reference to, for example, the general formula (10) taught at page 5, line 16 through page 7, line 6. Any changes in font size, font style, and chemical structure size or style were either made intentionally for purposes of readability or were considered insignificant to the teachings of the present application.

In claim 20 only, formula (32) was amended to correct a formatting error in the positioning of the formula label "(32)." In claim 41 only, formula labeled "(26)" was amended by replacing it with the formula labeled "(27)," and the formula labeled "(27)" was amended by replaced it with the formula labeled "(26)" to ensure consistent labeling of the formulae between claims 20 and 41.

Amendments to the Specification

The amendment to the paragraph at page 3, lines 1-6 was made to clarify the invention as it relates to specific properties as taught in the present application. For example, the amendment

adding reference to drug-eluting stents is supported, for example, at page 2, lines 13 through 23, which teaches the use of medicated stents in the delivery of therapeutic substances; at page 11, line 2, and page 52, line 2, which teaches that the present invention can control of the rate of release of a drug. The amendment adding reference to biocompatibility is supported, for example, at page 50, line 9 and page 52, line 1, which teaches the formation of a biocompatible layer comprising PEG, a non-fouling hydrophilic moiety.

The amendments to the paragraphs at page 29, lines 1-4; page 30, line 8; page 35, line 15 through page 32, line 2; page 32, lines 10-14; page 33, lines 14-16; page 34, lines 2-5; page 35, lines 2-3; page 35, lines 14-15; page 36, lines 13-15; page 37, lines 5-10; page 38, lines 1-7; page 38, lines 18-19; page 39, lines 14-15; page 40, lines 9-10; page 41, lines 3-4; page 41, lines 15-16; page 43, lines 9-13; page 44, lines 14-17; page 44, line 19 through page 45, line 2; page 45, line 17 through page 46, line 4; page 46, lines 6-10; page 47, lines 10-16; page 47, line 18 through page 48, line 2; page 48, line 13 through page 49, line 2; page 49, lines 4-11; page 50, lines 12-16; and page 51, lines 11-16 were made to make the teachings of the specification consistent. The general formulae (10) and (11) taught at page 5, line 13 through page 7, line 6 indicate that the subscripts m, n and p can be integers, where the value of m is between 5 and 1800, the value of n is between 1 and 800, and the value of p is between 4 and 1500. The amendments to the formulae and text were made to express m, n and p in integers rather than fractions to make the teachings consistent throughout the specification and claims. One of skill in the art will consider the amendments to be an obvious correction of a clerical oversight that does not add new matter to the teachings of the present invention.

The amendments to the paragraph at page 5, line 13 through page, line 25; page 31, line 15 through page 32, line 2; page 33, lines 10-14; page 39, line 17 through page 40, line 1; page

42, lines 4-12; and page 43, lines 6-7 were made to correct clerical errors like those described above.

SUMMARY

Applicants submit that no new matter has been added with this amendment. Applicants further submit that claims 1-41 satisfy all of the criteria for patentability and are in condition for allowance. Examination and allowance of the application is hereby respectfully solicited.

No fees are believed due in connection with this response. However, the Commissioner is authorized to charge all required fees or credit any overpayment to Squire Sanders & Dempsey L.L.P. Deposit Account No. 07-1850. The Examiner is invited to call the undersigned at (415) 954-0230 with any questions or concerns.

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